

**State of Vermont
Public Service Board**

**Application for a Certificate of Public Good for Temporary Meteorological Stations,
Pursuant to 30 V.S.A. §§ 246 and 248**

Name of Applicant: _____

General Instructions:

Applicant must complete all sections of the application. Please contact the Public Service Board ("Board") at (802) 828-2358 if you have any questions regarding this application form.

Notice provisions:

The applicant must provide written notice, at least 30 days in advance of filing the application form pursuant to 30 V.S.A. § 246, to the Vermont Department of Public Service, the Agency of Natural Resources, the municipal and regional planning commissions and legislative bodies of the towns where the project will be located, the landowners of record of property adjoining the project site, and the Board.

The notice shall state that the applicant intends to submit an application, identify the location of the temporary meteorological station site(s) and provide a description of the proposed project. In addition, the notice must contain sufficient detail about the proposed project to allow the parties receiving the notice to understand the impact of the project on the interests of those parties. The notice shall also state that recipients may file inquiries or comments with the applicant with respect to the project and that recipients will also have the opportunity to file comments with the Board once the application form is filed.

Application filing provisions:

Once the notice provisions have been complied with and the application form is completed, the applicant must submit the completed application to the Board, and send copies to the Vermont Department of Public Service, the Agency of Natural Resources, the municipal and regional planning commissions and legislative bodies of the towns where the project will be located, and the landowners of record of property adjoining the project site. Applicants must also submit a list of the persons and entities that they have mailed a copy of the application along with the completed application. If an application is deemed incomplete, the Board may require the applicant to provide copies of the revised application to all parties entitled to receipt of the original application for additional comment.

Notice To Those With Concerns About The Meteorological Station Proposal

If you have received a copy of this application, you have the opportunity to comment on the project, and to request a hearing before the Public Service Board to raise any concerns you may have regarding this project. If you wish to comment to the Public Service Board about this proposal or request a hearing, you must file the comments and/or request for hearing with the Board within 30 days of receipt of the application. If you request a hearing, you must make a showing that the application raises a significant issue regarding one or more of the Section 248 substantive criteria listed in Section 3.3 of the application form. Such a showing must go beyond general or speculative claims, and provide specific information regarding potential impacts for the criteria. In addition, comments must be directly related to the temporary meteorological station. The comment and review process for any future wind generation facility will be conducted at the time such a petition is filed with the Board.

The Board may determine to hear evidence on an issue if it concludes that the project raises a significant issue with respect to one or more of those substantive criteria based upon its own review or upon comments filed with the Board. Comments and requests for a hearing must be in writing and sent to the Board at 112 State Street, Montpelier, VT 05620-2701, with copies sent to the applicant. If you have any questions, contact the Clerk of the Public Service Board at (802) 828-2358, e-mail address: psb.clerk@state.vt.us.

Applicant Information

- Section 1.

(Please type all information)

Name: _____

Mailing Address: _____

Town/City/State: _____

Zip Code: _____

Daytime telephone: _____

Date 30-day notice was sent to the Public Service Board and other persons or entities: _____

Date application was sent to the Public Service Board and other persons or entities: _____

(Note: Applicant must submit the original and three copies of the application form to the Board)

Applicant must indicate the date the application was sent to the Board and other parties, and also submit a list of the names and addresses of the parties notified of this application along with the completed application.

Name of town(s) in which project is to be located: _____

Evidence of Site Control: Indicate the manner in which the applicant controls the land upon which the project is to be located and the land necessary to access the project site (e.g., fee simple, lease, etc.).

Certification

- Section 2.

The undersigned declares, under the pains and penalties of perjury, that:

- (1) having exercised due diligence and made reasonable inquiry, the information which I have provided on this form and any attachments is true and correct to the best of my knowledge;
- (2) the project is in compliance with all applicable state and federal requirements and prior to construction will have received any necessary approvals for construction and operation of the project;
- (3) any waste generated by the construction of this project will be disposed of at a state-approved disposal facility;
- (4) any construction activities will follow the recommendations of *the Vermont Erosion Control Handbook* (available from the Agency of Natural Resources, 1-802-241-3770);
- (5) I have sent a copy of this complete application to all persons or entities as required by this form.

Making false or misleading statements on this application is subject to penalties under 30 V.S.A. § 30 and/or revocation of any approval granted.

Signature _____ Date _____
Applicant

1. Project Description

(a) Provide a description of the installation and operation of the project, including specific equipment, amount of clearing, length and width of any new access roads, trails, and parking areas, and any ground disturbance, grading or drainage improvements.

(b) Provide an explanation of the temporary meteorological station's relationship to the construction of an electrical generation facility that may be proposed for that location and a brief description of that facility.

(c) Provide the approximate length of time the temporary meteorological station will need to remain at the site. (Note: a Certificate of Public Good issued pursuant to § 246 shall be valid for a period of no more than five years).

2. Site Plans

Applicants must provide a site plan for each meteorological station. A Site Plan shall include the following (with all features clearly labeled):

(a) Proposed meteorological station locations and all incidental project features from point of delivery off of a public road to each individual site and any areas that will be cleared of vegetation, on a 1: 24,000 scale USGS topographic map.

(b) Property boundaries and setback distances to the base(s) of the proposed or existing structures and dimensions of all proposed improvements.

(c) Proposed utilities, including distance from source of power, sizes of service available and required, and locations of any proposed utility or communication lines.

(d) A dimensional plan view of all areas where vegetation is to be cleared or altered, grading and drainage changes, and any proposed direct or indirect alterations of sensitive environmental resources (e.g., wetlands, significant natural communities).

(e) Detailed plans for any drainage of surface and/or sub-surface water and plans to control erosion and sedimentation both during construction and for the duration of the temporary installation.

(f) Locations and specific descriptions of any proposed screening, landscaping, ground cover, fencing, exterior lighting and signage.

(g) Plans of any proposed access driveway, roadway or parking area at the facility site, including grading, drainage and traveled width, including a cross section of the access drive indicating the width, depth of gravel, paving or surface materials.

(h) The latitude and longitude coordinates for each proposed meteorological station. If the final location of the temporary meteorological station and associated clearing will be determined in the field at the time of installation, the applicant must indicate on the plans and depict the entire area in which each tower may be located. The applicant is required to investigate the entire potential area for sensitive environmental resource and impacts.

(i) The existing significant natural and man-made features (including but not limited to water bodies, wetlands, tree lines, buildings, and roads) that are within or adjacent to the area directly impacted by the project.

2. Elevation Drawings

(a) For each proposed temporary meteorological station, the applicant must provide elevation drawings.

(b) The elevation drawings must be at appropriate scales but no smaller than 1"/20'.

(c) Applicant must include two elevation drawings of the proposed temporary meteorological station drawn at right angles to each other, showing the ground profile to at least 100 feet beyond the edge of any proposed clearing, and showing any guy wires or supports. The elevation drawing shall show all proposed wind measurement equipment, including their location on the tower or other support structure and the height of the tower or other support structure above grade at the base, and describe the proposed finish of the tower.

(d) The elevation drawing shall indicate the relative height of the surrounding tree canopy as it presently exists.

(e) Each plan sheet shall be clearly labeled with the project title, date, revision date(s), scale, and name of the professional or firm that prepared the plan.

3. Review of Potential Impacts

(a) Based upon the applicant's review of the Agency of Natural Resource's Environmental Interest Locator, state whether the temporary meteorological station will be sited on, near, or within any of the following:

- i. Floodways
- ii. Shorelines
- iii. Streams
- iv. Wetlands
- v. Outstanding Resource Waters
- vi. Rare and Irreplaceable Natural Areas
- vii. Necessary Wildlife Habitat

If the answer to any one of the foregoing is yes: (1) show the location of the temporary meteorological station in relation to the protected resource on the plans specified in Section 2 above, and (2) provide information demonstrating that the installation of the project will not have an undue adverse impact on the protected resource and, if necessary, indicate the measures that will be taken to avoid or minimize any such impact.

(b) Provide information demonstrating that the installation of the project will not have an undue adverse impact under the following criteria and, if necessary, indicate the measures that will be taken to avoid or minimize any such impact.

- i. Aesthetics
- ii. Historic Sites
- iii. Air and Water Purity
- iv. The Natural Environment
- v. Public Health and Safety
- vi. Public Investments
- vii. Orderly Development of the Region

Aesthetic Evaluation: The Board has adopted the Vermont Environmental Board's "Quechee analysis" for guidance in assessing the aesthetic impacts of temporary meteorological stations. In determining whether a project raises a significant issue with respect to aesthetic criteria contained in 30 V.S.A. 248(b)(5), the Board employs the two-part test outlined below:

1. First a determination must be made as to whether a project will have an adverse impact on aesthetics and the scenic and natural beauty. In order to find that it will have an adverse impact, a project must be out of character with its surroundings. Specific factors used in making this evaluation include the nature of the project's surroundings, the compatibility of the project's design with those surroundings, the suitability of the project's colors and materials with the immediate environment, the visibility of the project, and the impact of the project on open space.

2. The next step in the two-part test, once a conclusion as to the adverse effect of the project has been reached, is to determine whether the adverse effect of the project is "undue." The adverse effect is considered undue when a positive finding is reached regarding any one of the following factors:

- a. Does the project violate a clear, written community standard intended to preserve the aesthetics or scenic beauty of the area?
- b. Have the applicants failed to take generally available mitigating steps which a reasonable person would take to improve the harmony of the project with its surroundings?
- c. Does the project offend the sensibilities of the average person? Is it offensive or shocking because it is out of character with its surroundings or significantly diminishes the scenic qualities of the area?

Analysis of whether a particular project will have an "undue" adverse effect on aesthetics and scenic or natural beauty is also significantly informed by overall societal benefits of the project.

With respect to the Board's review of an application for a temporary meteorological station under 200 feet in height and that will remain in place for up to three years, there shall be a rebuttable presumption that the temporary meteorological station does not have an undue adverse aesthetic impact.

